

1 motion and the balance of the record, the court does hereby find and ORDER:

2 (1) Plaintiff's motion for extension of time (Doc. #37) is DENIED. Plaintiff's deposition
3 has already been delayed significantly due to his lack of cooperation and the court can discern no
4 reason in plaintiff's motion for further delay. Plaintiff is warned once again that any failure to
5 participate in the next deposition arranged by defendants or to comply with other discovery requests
6 will result in dismissal of this action.

7 (2) The Clerk shall send a copy of this Order to plaintiff, to counsel for defendants, and to
8 the Honorable James L. Robart.
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10 DATED this 1st day of November, 2005.

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12 MONICA J. BENTON
13 United States Magistrate Judge
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